

UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA

Charles Walen and Paul Henderson,  
Plaintiffs

v.

Case No: 1:22-cv-31

Doug Burgum and Alvin Jaeger,  
Defendants

and

Mandan, Hidatsa & Arikara Nation, Lisa DeVille,  
and Cesareo Alvarez, Jr.,  
Intervenor Defendants

**CLERK'S MINUTES**

Proceeding: Preliminary Injunction Motion Hearing

Presiding Judges: Honorable Ralph R. Erickson  
Honorable Daniel L. Hovland  
Honorable Peter D. Welte

Deputy Clerk: Lori Haberer  
Court Reporter: Kelly Kroke  
Law Clerk: Beth Alvine

Date: May 5, 2022  
Time: 9:00 AM  
Recess: 3:30 PM

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*Counsel:*

for Plaintiffs: Paul Sanderson, Ryan Joyce, Robert Harms

for Defendants: David Phillips, Matt Sagsveen,

Deputy Secretary of State Jim Silrum, Attorney General Drew Wrigley  
for Intervenor Defendants: Samantha Kelty, Michael Carter, Emily deLisle, Mark Gaber (via video)

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Court calls case; counsel note appearances.

Court reviews the procedural posture of the case.

**Representative Terry Jones** - sworn and testifies  
direct examination by Mr. Sanderson on behalf of Plaintiffs;  
no cross examination by Defendants;  
cross examination by Ms. Kelty on behalf of Intervenor Defendants;

9:25-9:40 AM - break

The parties stipulate to the admission of exhibits that have been filed on the docket, and to the video previously offered by the Plaintiffs.

The Court receives all previously marked exhibits on the docket, all videos shown during this proceeding, Intervenor Defendant's Exhibit 1; district hearings that are a matter of public record.

cross examination of Representative Jones continues by Ms. Kelty;  
re-direct by Mr. Sanderson on behalf of Plaintiffs;  
re-cross by Mr. Phillips on behalf of Defendants;  
no re-cross by Intervenor Defendants.

**Deputy Secretary of State Jim Silrum (Irwin James Narum Silrum)** - sworn and testifies

direct examination by Mr. Phillips on behalf of Defendants;  
no cross examination on behalf of Intervenor Defendants;  
cross examination by Mr. Sanderson on behalf of Plaintiffs;  
re-direct by Mr. Phillips on behalf of Defendants;  
no re-cross on behalf of Intervenor Defendants;  
re-cross by Mr. Sanderson on behalf of Plaintiffs.

10:55-11:15 AM - break

**Dr. Loren Collingwood** - sworn and testifies

direct examination by Ms. Kelty on behalf of Intervenor Defendants;

Intervenor Defendants offer Mr. Collingwood as an expert; Court will receive the testimony and his qualifications to testify in this case.

cross examination by Mr. Sanderson on behalf of Plaintiffs;  
no cross examination on behalf of Defendants.

11:50 AM-1:35 PM - break

Argument by Mr. Sanderson on behalf of Plaintiffs;

Argument by Mr. Phillips on behalf of Defendants;

Following the Court's inquiry, Mr. Phillips notes his belief that the entire legislative record (public record) should not be viewed independently by the Court as it was not introduced for this hearing.

Argument by Mr. Carter on behalf of Intervenor Defendants;

Rebuttal argument by Mr. Sanderson on behalf of Plaintiffs;

Rebuttal argument by Mr. Phillips on behalf of Defendants.

Court takes under advisement.

Court adjourned at 3:30 PM.